## BAKER, DONELSON, BEARMAN & CALDWELL

#### A PROFESSIONAL CORPORATION

1800 REPUBLIC CENTRE

633 CHESTNUT STREET

(423) 756-2010

FACSIMILE

(423) 756-3447

Chattanooga, Tennessee 37450-1800

MISSISSIPPI

JACKSON

WASHINGTON, D.C.

TENNESSEE

MEMPHIS
NASHVILLE
CHATTANOOGA
KNOXVILLE
JOHNSON CITY
HUNTSVILLE

JOE A. CONNER

Direct Dial: (423) 752-4417 Direct Fax: (423) 752-9527 Internet Address: jconner@bdbc.com

November 29, 2000

K. David Waddell, Executive Secretary Tennessee Regulatory Authority 460 James Robertson Parkway Nashville, TN 37243

VIA FEDERAL EXPRESS PRIORITY OVERNIGHT

In Re: Joint Application of the City of Kingsport and Tengasco Pipeline Corporation for Approval of City Resolution and City Ordinance
Tennessee Regulatory Authority Docket No. 00-00537

Dear Mr. Waddell:

Please find enclosed an original and fourteen copies of a Joint Stipulation for filing in the above-referenced matter. Please stamp "filed" and return the extra copy in the stamped, self-addressed envelope provided. Should you have any questions concerning this matter, please do not hesitate to contact me at the above number.

Sincerely,

Joe A. Conner

JAC:klc

**Enclosures** 

cc: Misty Smith Kelley, Esq.

C MSK 189695 v1 830844-0062 11/29/2000

PB-1-00

# BEFORE THE TENNESSEE REGULATORY AUTHORITY NASHVILLE, TENNESSEE

IN RE:  JOINT APPLICATION OF THE CITY OF KINGSPORT AND TENGASCO PIPELINE CORPORATION FOR APPROVAL OF CITY RESOLUTION AND CITY ORDINANCE	) ) ) ) ) Docket No. 00-00537 ) )

### JOINT STIPULATION

The parties to this matter met at the Tennessee Regulatory Authority ("TRA") in a settlement conference conducted by TRA general counsel Richard Collier on November 27, 2000. During the settlement conference, the parties agreed to the following joint stipulation, the terms of which were announced at the conclusion of the settlement conference. Accordingly, the City of Kingsport, Tengasco Pipeline Corporation ("Tengasco") and United Cities Gas Company ("UCG") submit the following joint stipulation:

- 1. UCG agrees to withdraw its objection to the amended joint application of Tengasco and the City of Kingsport for approval of the May 2, 2000 Kingsport resolution No. 2000-092, with respect to all portions of the resolution except <a href="Paragraph 3">Paragraph 3</a> of page 2 of the resolution. Tengasco and the City of Kingsport will move for immediate approval of the May 2, 2000 Kingsport resolution. No. 2000-092 by the TRA with the exception of the portion of the resolution set forth in <a href="Paragraph 3">Paragraph 3</a> of page 2.
- 2. Pursuant to the terms of that resolution, Tengasco is authorized to construct a pipeline within the City of Kingsport for the exclusive purpose of providing intrastate natural gas, pursuant to the pilot program statute (Tenn. Code. Ann. § 65-28-103), to large volume

industrial customers within the City of Kingsport that have previously been served by an interstate pipeline.

3. The TRA incorporating this Joint Stipulation and approving the resolution shall

not be construed as approving or authorizing in any way the June 6, 2000 Kingsport ordinance or

the franchise agreement embodied in that ordinance. The June 6, 2000 ordinance has not been

approved by the TRA pursuant to §65-4-107.

4. Should Tengasco desire to begin service pursuant to the June 6, 2000 Kingsport

ordinance or the franchise agreement embodied in that ordinance. Tengasco must first obtain

TRA approval before exercising its rights under said ordinance, including without limitation, the

right to construct facilities or lay pipe for the purposes of serving or preparing to serve pursuant

to said ordinance or franchise agreement.

5. Tengasco shall notify UCG of any future filing with the TRA by Tengasco

involving the June 6, 2000 Kingsport ordinance or the franchise agreement embodied in that

ordinance. On the day of any such filing by Tengasco with the TRA, written notice is to be sent

by certified mail to UCG's legal counsel, Joe A. Conner at Baker, Donelson, Bearman &

Caldwell, P.C., 1800 Republic Centre, 633 Chestnut Street, Chattanooga, Tennessee 37450-

1800.

BAKER, DONELSON BEARMAN

& CALDWELL, P.C.

Conner (BPR #12031)

Misty Smith Kelley (BPR #19450)

1800 Republic Centre

633 Chestnut Street

Bv:

Chattanooga, TN 37450-1800

Telephone: (423) 756-2010

2

### Attorneys for United Cities Gas Company

CITY OF KINGSPORT

J. Michael Billingsley

City Attorney, City of Kingsport 225 West Center Street

Kingsport, TN 37660

Attorney for the City of Kingsport

WALLER LANSDEN DORTCH & DAVIS

y: 2. 93110

D. Billye Sanders 511 Union Street, Suite 2100

P.O. Box 198966 Nashville, TN 37219

Attorney for Tengasco Pipeline Corporation